

## ***NEWS RELEASE***

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### **DeNUCCI SAYS MORE CONTROLS NEEDED OVER LEGAL SERVICES FOR INDIGENT CLIENTS**

State Auditor Joe DeNucci said today that despite steadily increasing state costs for legal representation for indigent people, the Committee for Public Counsel Services does not yet have procedures in place to ensure that only eligible indigent clients are being provided with state-funded counsel.

DeNucci said CPCS has spent more than \$250 million during the past three years to provide counsel for the indigent. Although several studies and legislative initiatives have been undertaken since a prior audit identified the client eligibility program, DeNucci said the number of public counsel assignments for district court criminal cases and children and family law cases is rising steadily.

For example, the number of public counsel assignments in the district courts and the Boston Municipal Court has increased from 158,062 in 1991 to 178,363 in 1998. The percentage of district court cases with court-assigned counsel has increased from 61 percent to 75 percent during that period.

“If this trend continues, the fiscal 2000 budget for public counsel services could exceed \$100 million,” DeNucci said. “Yet there is no assurance that only eligible indigent people are represented by public counsel.”

In response, CPCS acknowledged the seriousness of this issue and noted that a task force has been created by the Chief Administrative Justice of the Trial Court to address the problem.

“The committee should work with this task force to finally put in place a system for verifying the eligibility of individuals who need state-funded legal services,” DeNucci said. “Everyone is entitled to legal representation under our constitution, but only truly indigent people should benefit from these services.”

In other areas, DeNucci’s audit found these problems:

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- A private investigator overbilled CPCS \$615,319 during a three year-period. CPCS stopped the payments at \$374,108 and initiated an audit which resulted in a criminal investigation. The investigator was subsequently prosecuted, found guilty and sentenced. CPCS indicated it has implemented internal controls to help prevent future overbillings.
- CPCS, which acts as a third-party payer for bills submitted by court-appointed counsel, has required supplemental funding totaling \$24 million over the past three years. CPCS indicated this problem is due mainly to the failure of the courts to submit counsel assignment forms to the committee on a timely basis. However, in recent years CPCS has attempted to persuade the Trial Court to submit the necessary information electronically as part of its automation initiative.
- The committee has implemented computer controls to prevent overbillings by attorneys, a problem that was identified in DeNucci's prior audit. Although these steps should reduce the amount of overcharges, DeNucci said CPCS should require even more verification to improve the accuracy of bills it is paying.

"The Committee for Public Counsel Services plays a valuable role in providing legal assistance to people who cannot afford representation," DeNucci concluded. "I commend the committee for taking steps to improve its monitoring procedures. But these costs to the state are rapidly increasing, so even more needs to be done if we are to make sure that billings are correct and only eligible people receive services."

